

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ELIAS LINARES, YVETTE SPADY,
MOSETTA MOREHEAD, and KEITH
CLARK,

Plaintiff,

ORDER

Case No. 06-CV-876 (FB) (KAM)

-against-

ALPHONSO JACKSON, in his capacity as
the Secretary for the UNITED STATES
DEPARTMENT OF HOUSING & URBAN
DEVELOPMENT, and the UNITED STATES
DEPARTMENT OF HOUSING & URBAN
DEVELOPMENT; and PRESCIENT, INC.,

Defendants.

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Appearances:

For Plaintiffs:

MICHAEL L. WEISBERG, ESQ.
South Brooklyn Legal Services
105 Court Street, 3rd Floor
Brooklyn, NY 11201

For the Defendants:

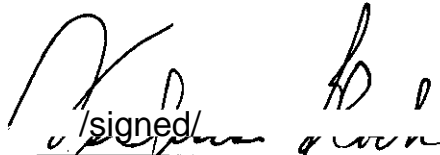
ROSLYNN R. MAUSKOPF, ESQ.
United States Attorney
By: ZACHARY A. CUNHA, ESQ.
One Pierrepont Plaza
Brooklyn, NY 11201

BLOCK, Senior District Judge:

On consent of the parties, the claims of plaintiffs Yvette Spady and Mosetta Morehead are withdrawn. For the reasons stated in open court on March 21, 2007, defendants' motion to dismiss the claims of the remaining plaintiffs pursuant to Fed. R. Civ. P. 12(b)(1) and Fed. R. Civ. P. 12(b)(6) is denied.

The parties agree that the issue presented is a pure question of law. Defendants' motion is therefore converted to one for summary judgment pursuant to Fed. R. Civ. P. 12(c). The parties shall be afforded 20 days for additional submissions, at which time the motion shall be deemed filed.

SO ORDERED.


/signed/

FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
March 21, 2007